



Planning Board

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**AMENDMENT #2
OF DECISION
05-01**

February 17, 2009

Ellsworth Village
Senior Residence Special Permit

This is an amendment by the Planning Board (hereinafter the Board) of its decision issued to Ellsworth Village, LLC (hereinafter the Applicant) filed with the Town Clerk on April 27, 2005 as first amended on April 27, 2006. (hereinafter the Original Decision)

This amendment is in response to the request of the Applicant for a change in the dwelling unit numbers designated as affordable units as required in the Original Decision.

The Board considered this matter at a regular posted meeting on February 17, 2009. Board members Mr. Greg Niemyski (Chairman), Mr. Bruce Reichlen (Vice Chair), Ms. Ruth Martin, Mr. Alan Mertz, Mr. Roland Bourdon, Mr. Ryan Bettez, Mr. Ray Yacouby, and Associate Ms. Leigh Davis-Honn were present. The minutes of the meeting and submissions, on which this decision is based upon, may be referred to in the Office of the Town Clerk or in the Acton Planning Department.

1 EXHIBITS

Submitted for the Board's deliberation were:

- A letter requesting the change from Donna Cisek, authentic Homes, Inc. dated 2/9/09 with attachments (Planning Board's 4/26/05 decision, regulatory agreement, master deed documents).
- A letter from Nancy Tavernier, Chair of the Acton Community Housing Corporation in support of the requested change, dated 2/10/09.

2 FINDINGS AND CONCLUSIONS

- 2.1 The Applicant requested a re-designation of one affordable dwelling unit to be located in unit 30 instead of unit 22.
- 2.2 The proposed change in the affordable unit designation maintains the overall number of affordable units in Ellsworth Village.
- 2.3 Units 22 and 30 are both end units.

- 2.4 Changes in the affordable unit designation must be consistent throughout all relevant documents pertaining to Ellsworth Village.
- 2.5 The requested modification is minor, does not change the project in any significant way from how it was approved in the Original Decision, and therefore does not warrant a public hearing.

3 BOARD ACTION

Therefore, the Board voted at the meeting to **APPROVE** the requested modification. Section 3.2.9 of the Original Decision is hereby amended to read as follows:

- 3.2.9 Units 11, 17, and 30 as shown on the Plan shall be the designated affordable units as shown on the Plan. However, the Board requests that the Applicant consider favorably exchanging unit 11 for one of the larger market-rate duplex units.

3.1 CONDITIONS

- 3.1.1 As required for purposes of providing a second means of egress, the decks shall have stairs to ground level sufficient to meet, but not exceed, the requirements under the Massachusetts Building Code.
- 3.1.2 Except as modified herein, the Original Decision, and the plan approved thereunder, shall remain in effect.
- 3.1.3 All pertinent condominium documents such as the master deed including amendments and phases and the regulatory agreement shall be amended accordingly.

Signed on behalf of the Acton Planning Board

Roland Bartl, AICP, Town Planner

Copies to:

Applicant
Town Engineer
Town Clerk
Town Assessor

Building Commissioner
Municipal Properties Director
Natural Resource Director

Board of Health
Town Manager
Fire Chief

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